

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMAL J. ELLIS,

Plaintiff,

V.

DANIELLE ARMBRUSTER, and C.
BOWMAN,

Defendants.

CASE NO. 3:15-CV-05421-RBL-DWC

REPORT AND RECOMMENDATION

Noting Date: October 16, 2015

Plaintiff Jamal Ellis, proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint under 42 U.S.C. § 1983. After reviewing Plaintiff's Complaint, the Court declined to serve the Complaint, but gave Plaintiff an opportunity to amend his pleading. *See* Dkt. 5. On July 31, 2015, Plaintiff filed his Amended Complaint. Dkt. 7. The Court reviewed the Amended Complaint and declined to serve it, but gave Plaintiff an opportunity to correct the deficiencies in the Amended Complaint by ordering Plaintiff to file a second amended complaint on or before September 21, 2015 ("Order"). Dkt. 8. As stated in the Order, Plaintiff was informed that failure to file a second amended complaint or adequately address the issues raised in the Order would result in the Court recommending dismissal of this action as frivolous pursuant to 28 U.S.C. § 1915. *Id.*

1 Plaintiff has failed to file a second amended complaint, has failed to adequately address
2 the issues raised in the Order, and has failed to file any pleading in this case after filing his
3 Amended Complaint on July 31, 2015. As Plaintiff has failed to follow the Court's Order and has
4 failed to allege facts which state a claim, *see* Dkt. 8, the Court recommends dismissal of this
5 action as frivolous pursuant to 28 U.S.C. § 1915.

6 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
7 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
8 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
9 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
10 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on October
11 16, 2015, as noted in the caption.

12 Dated this 29th day of September, 2015.

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15 David W. Christel
16 United States Magistrate Judge
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